

STAFF REPORT
Community Development Department
Petition Number: SE-12-010

To: Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: July 3, 2012

BZA meeting date: July 11, 2012

Requested Action/General Information:

Mary Sprague, agent for First Christian Church of Punta Gorda, Inc., is requesting a special exception to allow a house of worship and fellowship hall. The property is located at 4124 Taylor Road (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate (AE). This property has a Low Density Residential Future Land Use Map designation.

The property consists of an existing church, which was constructed in 1980 prior to the adoption of the current Zoning Code in 1981. There is no record of a Special Exception ever being granted to allow a house of worship at this location. Therefore, staff believes this church has existed as a non-conforming use since the 1981 Zoning Code was adopted. A special exception is necessary to bring the existing use into conformity with the Zoning Code and to allow construction of the proposed new building to house a fellowship hall.

The applicant has submitted the attached **Boundary Survey** (**Exhibit A**), which shows the location of the existing 5,948 square foot (40' by 119') church building as well as the access drive and on-site parking on subject property. This property consists of approximately six acres of land area. The applicant has also submitted the attached **Proposed Site Plan** (**Exhibit B**), showing the proposed location of the new 2,974 square foot fellowship hall and 2,000 square foot patio area, which may become a future addition to the fellowship hall.

Subsection 3-9-30(e) of the Charlotte County Zoning Code does allow a house of worship as a special exception in the Agriculture Estate (AE) zoning district. As such the applicant has submitted this application for a special exception along with the required **Narrative** (**Exhibit C**) explaining why the applicant believes this request for a special exception should be granted.

The Growth Management Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit D**) dated June 14, 2012.

Findings: The six standards for approval for a Special Exception according to section 3-9-7(f) of the Charlotte County Zoning Code are as follows:

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Houses of worship are allowed as a Special Exception in the Agriculture Estate zoning district as per Section 3-9-30(e) of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Single-family residences	AE	Low Density Residential
South	Vacant land	AE	Low Density Residential
East	Vacant land	MHP	Low Density Residential
West	Boat storage yard	IL and AE	Low Intensity Industrial

Finding: The existing house of worship and associated fellowship hall are considered compatible with the surrounding residential and industrial uses.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: There is one existing access drive to the church from Taylor Road. The proposed new building will be reviewed for compliance with all codes, including traffic circulation, at the time of Site Plan review.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: All applicable code requirements, including on-site parking and landscaping, will be enforced during Site Plan review and the permitting process for the proposed new building.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and **Land Development Regulations**.

Finding: This existing house of worship and proposed new fellowship hall building would be consistent with the **Smart Charlotte 2050 Plan**, which plans for residential uses, including houses of worship and the proposed associated uses, which are permitted by special exception according to the **Land Development Regulations**.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the existing house of worship and proposed fellowship hall would not be detrimental to, or endanger the public health, safety or general welfare of the surrounding residential properties.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed uses consisting of a house of worship and fellowship hall do meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code.

The conditions are as follows:

1. This special exception is to bring the existing house of worship into conformity with the Zoning Code and to allow construction of a new building for a fellowship hall.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including parking and landscaping, are applicable to the construction and operation of the existing church and proposed new fellowship hall building.
3. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Boundary Survey, Site Plan, Narrative (2), and Environmental Specialist Memorandum (2)



Community
Development

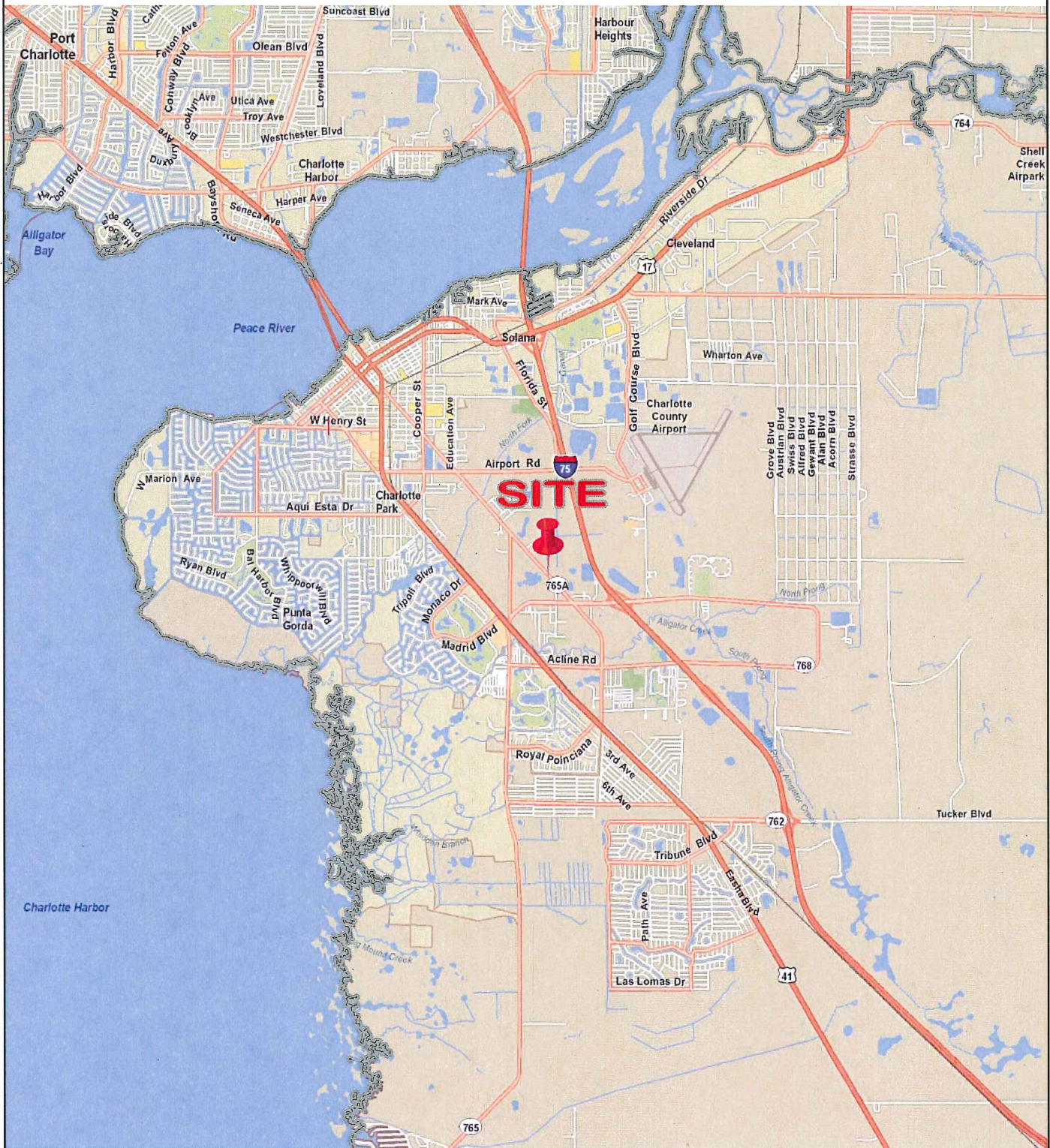
CHARLOTTE COUNTY

Location Map for SE-12-010

Charlotte County Government

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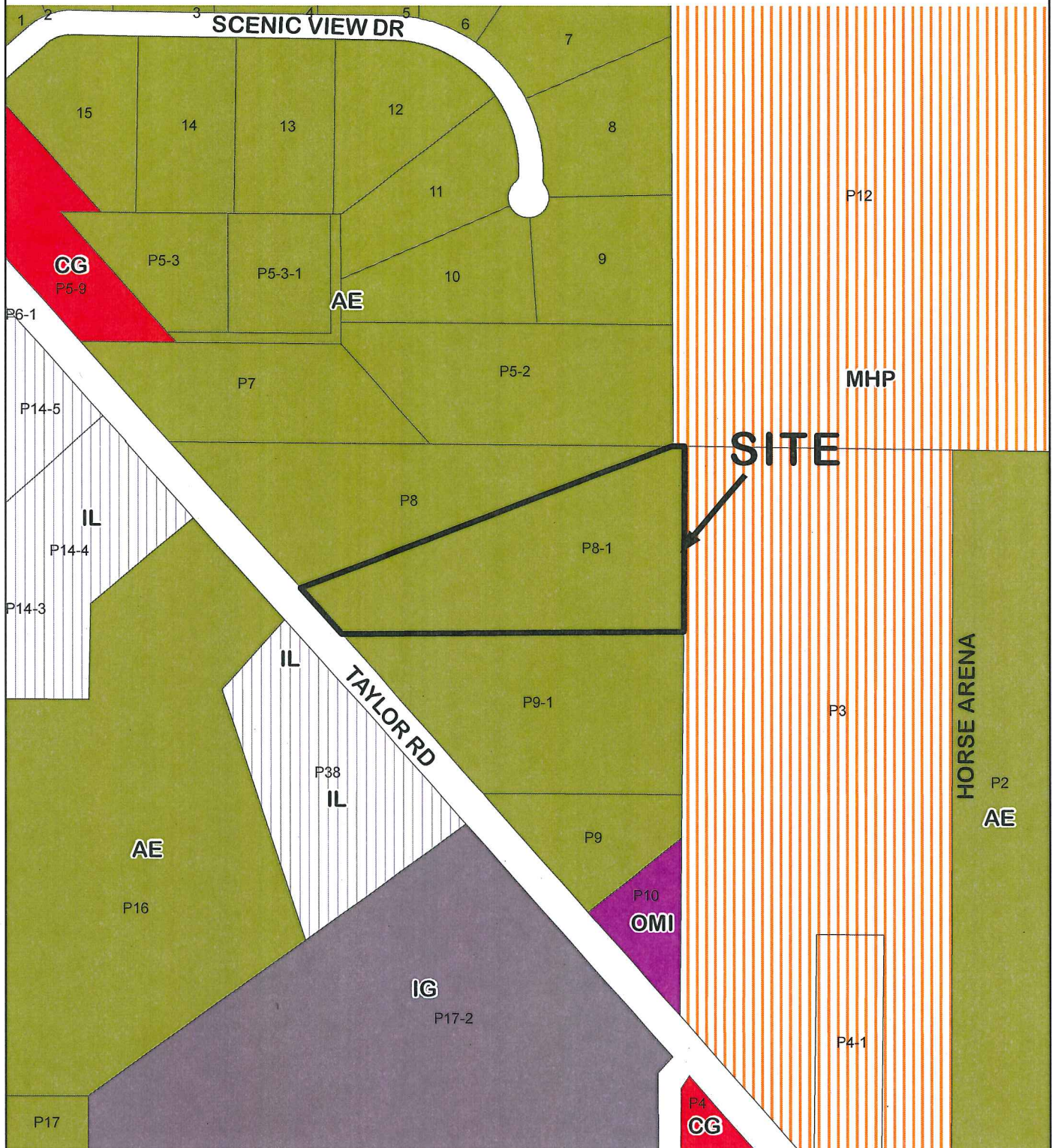
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CHARLOTTE COUNTY

Aerial View for SE-12-010

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LEGEND

□ = CONCRETE MONUMENT (SIZE & I.D. NOTED)
⊙ = 5/8" CAPPED IRON ROD (I.D. NOTED)
⊙ = 5/8" CAPPED IRON ROD SET (L.B. #6639)
⊙ = NAIL & DISK (I.D. NOTED)
(P) = PLAT DIMENSION
(M) = MEASURED DIMENSION
U. & D. = UTILITY & DRAINAGE
L.B. = LICENSED SURVEYOR BUSINESS
P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
R/W = RIGHT-OF-WAY
C/L = CENTER LINE
OHL = OVERHEAD UTILITY LINES
(TYP.) = TYPICAL
CONC. = CONCRETE
I.D. = IDENTIFICATION
T.B.M. = TEMPORARY BENCH MARK
F.F. = FINISHED FLOOR
P.C.P. = PERMANENT CONTROL POINT
ELEV. = ELEVATION
≡ = EXISTING ELEVATIONS
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
⊙ = FIRE HYDRANT
⊙ = CABLE TELEVISION RISER
⊙ = TELEPHONE RISER
⊙ = VERIZON HANDHOLE
P.R.M. = PERMANENT REFERENCE MONUMENT
C.M. = CONCRETE MONUMENT
⊙ = WATER METER
⊙ = UTILITY POLE
⊙ = WATER GATE VALVE
APPROX. = APPROXIMATE
CONC. = CONCRETE
O.R. = OFFICIAL RECORDS (BOOK)

SURVEYORS NOTES:

DESCRIPTION FURNISHED BY CLIENT.

THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE, AND THEREFORE THE UNDERSIGNED AND STRAYER SURVEYING AND MAPPING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, BUT IF THE SAME, OR ANY OF THEM ACTUALLY (IS) ARE IN EXISTENCE ON THE LAND SURVEYED, THEN IN THAT EVENT, THE SAME (IS) ARE SHOWN HEREON.

THERE ARE NO APPARENT ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS OF WHICH WE HAVE KNOWLEDGE.

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.

BEARINGS SHOWN HEREON ARE BASED ON DESCRIPTION DATA, THE NORTHEASTERLY R/W LINE OF TAYLOR ROAD, BEING N.41°35'40"E.

SYMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

RESEARCH OR DETERMINATION OF UNLAWFUL FILL, EXCAVATION, HAZARDOUS WASTE, RIGHT-OF-WAY TAKINGS, PAST, PRESENT OR FUTURE, ABILITY OR INABILITY TO USE THIS PARCEL FOR ANY PURPOSE WHATSOEVER IS NOT INCLUDED AS PART OF THIS SURVEY. THE DETERMINATION OF THE ABOVE IS THE SOLE RESPONSIBILITY OF THE USER OF THE SURVEY.

ELEVATION NOTE:

ALL ELEVATIONS SHOWN HEREON ARE BASED ON THE N.G.V.D. 1929 VERTICAL DATUM, UNLESS OTHERWISE SPECIFIED.

ELEVATIONS SHOWN HEREON ARE BASED ON CHARLOTTE COUNTY BENCHMARK SPG016, ELEVATION 11.225' (N.G.V.D. 1929), SHOWN HEREON.

TREE NOTE:

TREE SPECIES INDICATED HEREON WERE IDENTIFIED TO THE BEST OF THIS FIRMS ABILITY. A PROFESSIONAL ARBORIST SHOULD BE CONSULTED FOR EXACT TREE SPECIES IDENTIFICATION.

TREE LEGEND

⊙ = OAK TREE (TYP.) SIZE NOTED IN INCHES
⊙ = PALM TREE (TYP.) SIZE NOTED IN INCHES
⊙ = PINE TREE (TYP.) SIZE NOTED IN INCHES

FLOOD ZONE DATA:

THIS IS NOT A CERTIFIED FLOOD ZONE DETERMINATION

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND ANY BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION.

FLOOD ZONE DETERMINATION IS FOR INFORMATIONAL PURPOSES ONLY. PROPOSED FINISHED FLOOR ELEVATIONS CAN ONLY BE DETERMINED BY PERMITTING AUTHORITY.

PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE "X" BASE FLOOD ELEVATION (NOT DETERMINED) AS PER F.I.R.M. MAP #244 F, DATED 03/05/03.

TO BE VERIFIED BY THE LOCAL F.E.M.A. OFFICIAL

SECTION 21, TOWNSHIP 41S., RANGE 23E.



SCALE 1" = 50'



POINT OF BEGINNING

(NORTH 1/4 CORNER OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST - 4"x4" (NO I.D.) D.N.R. DOC.# 050996)

COUNTY PARCEL I.D.# 412316400005
NOW OR FORMERLY McQUEEN
O.R. 620, PG. 1879

COUNTY PARCEL I.D.# 412321201001
NOW OR FORMERLY McQUEEN
O.R. 633, PG. 1493

BOUNDARY & TOPOGRAPHIC SURVEY OF:

(PER O.R. 554, PAGE 1244)

A PARCEL OF LAND LYING IN CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N-1/4 OF SEC. 21, TWP. 41 S., RGE. 23 E., AS A POINT OF BEGINNING, RUN S 0°43'18" W, ALONG THE E LINE OF THE NW-1/4 OF SAID SEC. 21, A DIST. OF 426.00 FEET, THENCE N 89°30'59" W PARALLEL WITH THE N LINE OF SEC. 21 A DIST. OF 847.86 FEET TO E'LY R/W LINE OF TAYLOR RD. (S.R. 765) THENCE N 41°35'40" W, ALONG SAID R/W, A DIST. OF 80.00 FT. THENCE N 68°23'30" E A DIST. OF 974.82 FT. TO THE POINT OF BEGINNING.

Boundary Survey (Exhibit A)

PREPARED FOR:
FIRST CHRISTIAN CHURCH OF PUNTA GORDA, INC.

DATE OF FIELD SURVEY: 5/23/12
FILE NUMBER: 12-05-40
FIELD BOOK: 552
PAGE: 65, 66
CHECKED BY: C.R.
DRAWN BY: B.G.R.

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FIRST CHRISTIAN CHURCH OF PUNTA GORDA
Special Exception Request
May, 2012

SITE INFORMATION

ADDRESS: 4124 Taylor Rd.
Punta Gorda, FL 33950

AGENT: Mary E. Sprague
8017 Weyers Ct.
Englewood, FL 34224
(941) 504-0899

PROPERTY SIZE: 5 acres

ZONING: AE

FUTURE LAND USE: Low Density Residential

USE:

Existing: Church

Proposed: Church

PURPOSE OF REQUEST

First Christian Church of Punta Gorda was built in 1980. It is an approximately 6000 sq. ft. church with offices under the same roof. There is existing parking which meet current requirements.

This church has been in existence prior to the requirement of a special exception for a church use. A new fellowship hall is proposed, and in order to apply for the necessary approvals through the Development Review Committee (DRC) for site plan approval, they must bring the use into compliance to allow the continued use of this parcel as a church through the approval of a special exception.

The Special Exception Request is the first of many approvals which need to be obtained prior to the expansion of this site. Upon approval of the special exception, this project will then be required to be processed through the Southwest Florida Water Management District, Charlotte County Land Development, Charlotte County Health Department and preliminary and final Site Plan Review by the Charlotte County Development Review Committee.

STANDARDS OF APPROVAL

1. The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or permitted by reasonable implication within that district.

A church use is allowed in AE zoning with a special exception approval.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

This church is compatible with existing uses surrounding the property. The property to the south is vacant, zoned AE. To the east, the property is vacant, zoned MHP. To the north are several existing homes, zoned AE and on the west side of Taylor Rd. is an existing commercial business, zoned IL.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Paved driveway access is existing from Taylor Rd. and is adequate for this project.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

These items will be addressed through Site Development review. There is adequate area to accommodate anything that may be required.

5. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.

The future land use is low density residential, and therefore is consistent with churches being located in both residential and agriculturally zoned property.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

There will be no change to the proposed use. The proposed Fellowship Hall will replace an area within the existing church that is no longer suitable for the congregation's activities.

CONCLUSION

The existing church has fit in with this neighborhood for 32 years. The continued use and the addition of a Fellowship Hall will have no impact on the existing neighbors.



MEMORANDUM

Date: June 14, 2012
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-12-010
First Christian Church
4124 Taylor Road

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The property consists of a partially developed lot with acreage on Taylor Road. The rear half of the site is undeveloped and contains native vegetation therefore there is a probability of listed species occurrence on site. A listed species assessment may need to be completed during the development review process and/or prior to any site improvements. Staff highly encourages that all native trees remain preserved on site.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. TREE REQUIREMENTS*

**All heritage trees (per Section 3-2-190) must remain preserved.

(Exhibit D-1)

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION**,
Article XV. *SURFACE WATER AND WETLAND PROTECTION**
Article XVI *OPEN SPACE/HABITAT RESERVATION**,
Article XVIII, *LANDSCAPING AND BUFFERS**

- ❖ The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit D-1)